



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,193	10/10/2000	Mark T. Stewart	P-9288.00	6010

27581 7590 03/03/2004

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS, MN 55432-5604

EXAMINER

JUNG, WILLIAM C

ART UNIT PAPER NUMBER

3737

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,193

Applicant(s)

STEWART ET AL.

Examiner

William Jung

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 40, 42, 43, 45-50, 52-59, and 61-67 is/are rejected.
- 7) ☒ Claim(s) 41, 44, 51, and 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 39-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 39, 40, 43, 45-50, 52-59, and 61-67 are rejected under 35 U.S.C. 102(b) as being anticipated by *Avitall* (US 5,441,483).

Claims 39, 50, 57, and 67: *Avitall* anticipates all claimed invention in claims 39, 50, 57, and 67. *Avitall* discloses a mapping and/or ablation catheter with steering device where a distal end and intermediate segment of the catheter is manipulated by steering wires attached to points 56 at the distal end and 58 at the intermediate segment near the proximal end. Knobs 20 and 22 control the tensions on the steering wire to cause bend or deflection at two different sections of the catheter (col. 5, lines 18-30; col. 6, line 61 - col. 7, line 41). In addition, *Avitall*'s catheter is incompressible.

Claims 40, 43, 46-49, 52, 53, 55, 56, and 61: *Avitall* discloses that the proximal and distal segments are in parallel arrangement and the controllers 20 and 22 via tension wires are in parallel connection. Since the two controllers in separate and parallel arrangement the deflection

of the first and second points are independent of each other, therefore, the deflection angle and direction is relative to each other.

Claims 45, 54, and 62: In addition, Avital discloses of deflection angles between 0 and 180 degrees in any direction, i.e. -90 degrees to 270 degrees (90 degrees away from the central axis of the catheter (col. 7, lines 42-55).

Claims 58, 59, and 63-66: Avitall also discloses an insulator lumen 30 which is the flexible catheter with multiple deflection points as described above is fitted into the insulating lumen (col. 8, lines 4-19).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Avitall* as applied to claim 39 above, and further in view of *Webster, Jr.* (US .5,626,136).

Avitall substantially discloses all claimed invention in claim 42. However, Avitall does not specifically disclose that the catheter has third deflection point. Webster, Jr. teaches that the catheter for mapping and/or ablation (col. 1, lines 30-56; col. 2, lines 1-21) where it includes elongated catheter body with proximal and distal sections with distal section includes a distal segment, a curvable or bendable proximal segment, and a bendable or flexible intermediate segment placed in between the distal segment and the proximal segment (col. 3, line 30 – col. 4, line 8). The first deflecting section bends the distal segment through the intermediate segment

Art Unit: 3737

and the second deflecting section bends the proximal segment along a first axis as shown in figure 1a. Webster, Jr. also discloses in figure 1B, where the deflection points in the catheter's distal and proximal sections includes three or more deflection points (col. 4, lines 9-32).

Webster, Jr. teaches multiple bend sections into various angle and shape. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to improve Avitall's catheter with Webster, Jr.'s teaching of multiple bending or deflecting points increase manipulation of the catheter to various shapes and forms.

Allowable Subject Matter

6. Claims 41, 44, 51, and 60 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lundquist et al (US 5,254,088) and ***Lundquist et al*** US (5,195,968)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Jung whose telephone number is 703-605-4364. The examiner can normally be reached on Mon-Fri 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Ruhl can be reached on 703-308-2262. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3737

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLI

February 17, 2004



DENNIS W. RUHL
SUPERVISORY PATENT EXAMINER